

are heavy. In the last week, we lost two people from New Jersey. We are now over 1,200 who have died in the course of that fight.

But again, TOM DASCHLE, and I think all of us here, have to continue to fight for what is right. We can endure our differences here. I will tell you what we cannot endure. We cannot endure the bitterness that exists across the dividing line here. We cannot endure the vitriol that is constant in this room of ours. We cannot endure the anger that exists. We have a cause that is greater than all of us.

I am not saying it all comes flowing this way, but I am saying it is unpleasant. I have now had 22 years since I arrived. It is now 22 years since I arrived in the Senate. I remember different days. I remember days when you could disagree and still be able to say hello without grimacing when you saw one of your colleagues. Lord willing, I hope TOM DASCHLE taught us some of that, with his graciousness, his characteristic willingness to listen and to understand and get back to you when a problem existed.

So, Mr. President, I am going to yield the floor, but I do want to talk about our other colleagues who are retiring in a few minutes. There are a lot of good people here on both sides of the aisle.

We are going to miss all of our friends over here, but I am going to miss DON NICKLES. I have had a lot of fights with him, but I know he always knew where he wanted to go. I respected that.

PETER FITZGERALD, newer among us, but a gentleman to be noted, and BEN NIGHTHORSE CAMPBELL comes from a State I love. I have two grandchildren there. He is a decent fellow. We are going to miss all of them. I will talk about them later.

I yield the floor.

The PRESIDING OFFICER. The Senator from Idaho is recognized.

Mr. CRAIG. Mr. President, I know this is a time of recognition of our retiring Members on both the Republican and Democratic sides. If I can step in for a moment, we have cleared a variety of bills to be moved at this time. I will proceed to do that.

The PRESIDING OFFICER. The Senator is recognized for that purpose.

THE CALENDAR

Mr. CRAIG. Mr. President, I ask unanimous consent that the Senate proceed to the en bloc consideration of the following Indian Affairs bills: Calendar Nos. 697, H.R. 2912; 777, S. 2605; 795, S. 519; 710, S. 1530; 654, S. 1996; 787, S. 1438.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CRAIG. Mr. President, I ask unanimous consent that the amendments at the desk, where applicable, be agreed to, the committee amendments, where applicable, be agreed to, the bills be read a third time and passed, the

title amendments, where applicable, be agreed to, and the motions to reconsider be laid upon the table, en bloc, and that any statements relating to the bills be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

SOVEREIGN RIGHTS OF THE OSAGE TRIBE

The bill (H.R. 2912) to reaffirm the inherent sovereign rights of the Osage Tribe to determine its membership and form of government, was considered, ordered to a third reading, read the third time, and passed.

H.R. 2912

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. REAFFIRMATION OF CERTAIN RIGHTS OF THE OSAGE TRIBE.

(a) FINDINGS.—The Congress finds as follows:

(1) The Osage Tribe is a federally recognized tribe based in Pawhuska, Oklahoma.

(2) The Osage Allotment Act of June 28, 1906 (34 Stat. 539), states that the "legal membership" of the Osage Tribe includes the persons on the January 1, 1906 roll and their children, and that each "member" on that roll is entitled to a headright share in the distribution of funds from the Osage mineral estate and an allotment of the surface lands of the Osage Reservation.

(3) Today only Osage Indians who have a headright share in the mineral estate are "members" of the Osage Tribe.

(4) Adult Osage Indians without a headright interest cannot vote in Osage government elections and are not eligible to seek elective office in the Osage Tribe as a matter of Federal law.

(5) A principal goal of Federal Indian policy is to promote tribal self-sufficiency and strong tribal government.

(b) REAFFIRMATION OF CERTAIN RIGHTS OF THE OSAGE TRIBE.—

(1) MEMBERSHIP.—Congress hereby clarifies that the term "legal membership" in section 1 of the Act entitled, "An Act For the division of lands and funds of the Osage Indians in Oklahoma Territory, and for other purposes", approved June 28, 1906 (34 Stat. 539), means the persons eligible for allotments of Osage Reservation lands and a pro rata share of the Osage mineral estate as provided in that Act, not membership in the Osage Tribe for all purposes. Congress hereby reaffirms the inherent sovereign right of the Osage Tribe to determine its own membership, provided that the rights of any person to Osage mineral estate shares are not diminished thereby.

(2) GOVERNMENT.—Notwithstanding section 9 of the Act entitled, "An Act For the division of lands and funds of the Osage Indians in Oklahoma Territory, and for other purposes", approved June 28, 1906 (34 Stat. 539), Congress hereby reaffirms the inherent sovereign right of the Osage Tribe to determine its own form of government.

(3) ELECTIONS AND REFERENDA.—At the request of the Osage Tribe, the Secretary of the Interior shall assist the Osage Tribe with conducting elections and referenda to implement this section.

SNAKE RIVER WATER RIGHTS ACT OF 2004

The Senate proceeded to consider the bill (S. 2605) to direct the Secretary of

the Interior and the heads of other Federal agencies to carry out an agreement resolving major issues relating to the adjudication of water rights in the Snake River Basin, Idaho, and for other purposes, which was reported from the Committee on Indian Affairs, as follows:

[Strike the part shown in black brackets and insert the part shown in italic.]

S. 2605

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

[SECTION 1. SHORT TITLE.

[This Act may be cited as the "Snake River Water Rights Act of 2004".

[SEC. 2. PURPOSES.

[The purposes of this Act are—

[(1) to resolve some of the largest outstanding issues with respect to the Snake River Basin Adjudication in Idaho in such a manner as to provide important benefits to the United States, the State of Idaho, the Nez Perce Tribe, the allottees, and citizens of the State;

[(2) to achieve a fair, equitable, and final settlement of all claims of the Nez Perce Tribe, its members, and allottees and the United States on behalf of the Tribe, its members, and allottees to the water of the Snake River Basin within Idaho;

[(3) to authorize, ratify, and confirm the Agreement among the parties submitted to the Snake River Basin Adjudication Court and provide all parties with the benefits of the Agreement;

[(4) to direct—

[(A) the Secretary, acting through the Bureau of Reclamation, the Bureau of Land Management, the Bureau of Indian Affairs, and other agencies; and

[(B) the heads of other Federal agencies authorized to execute and perform actions necessary to carry out the Agreement;

to perform all of their obligations under the Agreement and this Act; and

[(5) to authorize the actions and appropriations necessary for the United States to meet the obligations of the United States under the Agreement and this Act.

[SEC. 3. DEFINITIONS.

[In this Act:

[(1) AGREEMENT.—The term "Agreement" means the document titled "Mediator's Term Sheet" dated April 20, 2004, and submitted on that date to the SRBA Court in SRBA Consolidated Subcase 03-10022 and SRBA Consolidated Subcase 67-13701, with all appendices to the document.

[(2) ALLOTTEE.—The term "allottee" means a person that holds a beneficial real property interest in an Indian allotment that is—

[(A) located within the Nez Perce Reservation; and

[(B) held in trust by the United States.

[(3) CONSUMPTIVE USE RESERVED WATER RIGHT.—The term "consumptive use reserved water right" means the Federal reserved water right of 50,000 acre-feet per year, as described in the Agreement, to be decreed to the Tribe and the allottees, with a priority date of 1855.

[(4) PARTIES.—The term "parties" means the United States, the State, the Tribe, and any other entity or person that submitted, or joined in the submission, of the Agreement to the SRBA Court on April 20, 2004.